

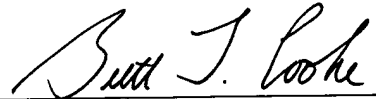
### REMARKS

Figure 7 is amended to correct an error. The hidden lines in the cut-away portion of the figure are replaced with solid lines to correctly reflect the structure of the garment. The amendment, merely of a formal nature, conforms the figure to the specification. No new matter is introduced.

The examiner rejected claims 1-11 as anticipated by or obvious in view of Warner et al. (US 6,751,804). The Warner et al. reference has an effective filing date of September 8, 2003, and Warner does not claim the same inventions as the applicants. Please find enclosed a declaration of prior invention executed by the inventors claiming actual reduction to practice at least by August 27, 2003. Also enclosed are one embodiment of the infant pants of the invention reduced to practice by the inventors and sent to Mr. Jim Jackson, a patent attorney with Andrews Kurth LLP, and a hardcopy of an email dated August 27, 2003 sent from Mr. Jim Jackson to the inventors stating that he had received the actual infant pants referenced above and enclosed herewith. Further, enclosed are two pages with drawings and descriptions of one embodiment of the invention written by the inventors and faxed to Andrews Kurth LLP on September 4, 2003. Applicants respectfully submit that the enclosed declaration and evidence are sufficient to accord an invention date of August 27, 2003 and antedate the Warner et al. reference.

In summary, original claims 1-11 remain in the application and are believed to be in condition for allowance. Allowance of all claims and passage to issue is requested.

Respectfully submitted,



Brett T. Cooke  
Reg. No. 55, 836

Date: March 11, 2005,  
Andrews & Kurth, LLP  
600 Travis, Suite 4200  
Houston, Texas 77002  
Telephone: 713-220-3813  
Facsimile: 713-220-4285



### AMENDMENTS TO THE DRAWINGS

The enclosed one replacement sheet of drawings includes changes to Figure 7. This sheet, which includes Figures 4-7, replaces the original sheet including Figures 4-7.